

SENATE BILL No. 426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1; IC 20-10.1-16.

Synopsis: ISTEP and special education students. Provides that the ISTEP scores of a student for whom the student's school corporation is entitled to receive a special education grant: (1) may not be included in the benchmark reports used for performance-based awards and published by the school corporation; and (2) may be used only for diagnostic purposes for the student. Provides that a student for whom the student's school corporation is entitled to receive a special education grant is not required to meet the educational proficiency standards tested in the graduation examination to be eligible to graduate.

Effective: July 1, 1999.

Server, Alting

January 13, 1999, read first time and referred to Committee on Education.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 426

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-1-1.3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall
3 implement the performance-based award and incentive program to
4 recognize and reward schools that have exhibited relative improvement
5 toward the performance benchmarks determined to be appropriate for
6 the school by the superintendent and board, including the following
7 benchmarks:

8 (1) Graduation rate.

9 (2) Attendance rate.

10 (3) ISTEP scores under the ISTEP program or a locally adopted
11 assessment program used by a freeway school, including the
12 number and percentage of students:

13 (A) meeting an advanced standard; or

14 (B) meeting a proficient standard.

15 **The scores of students for whom the school corporation is**
16 **entitled to receive a special education grant under IC 21-3-10**
17 **may not be included in the ISTEP test scores reported under**

1999

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this subdivision.

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) Remediation/preventative remediation.

(F) Technology preparation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and **five** (5); or

(ii) participating.

(B) For the Scholastic Aptitude Test, the number and percentage of students:

(i) above a designated proficient score;

(ii) above a designated advanced score; or

(iii) participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 2. IC 20-1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The report must include the following benchmarks:

(1) Graduation rate.

(2) Attendance rate.

(3) ISTEP test scores, or for a freeway school scores on a locally adopted assessment program, if appropriate, including the number and percentage of students:

(A) meeting an advanced standard; or

(B) meeting a proficient standard.

The scores of students for whom the school corporation is entitled to receive a special education grant under IC 21-3-10



may not be included in the ISTEP test scores reported under this subdivision.

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) Remediation/preventative remediation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and (5); or

(ii) participating.

(B) For the Scholastic Aptitude Test, the number and percentage of students:

(i) above a designated proficient score;

(ii) above a designated advanced score; or

(iii) participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 3. IC 20-10.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which each student in grades 3, 6, 8, and 10 must be tested and each student must take a graduation examination.

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement. **A test administered to a**



1 **student who is a child with a disability may be used only for**
 2 **diagnostic purposes.**

3 (c) Any decision with regard to a student who is a child with a
 4 disability (as defined in IC 20-1-6-1) to participate in testing under this
 5 chapter, to receive accommodations in testing materials and ~~procedure~~,
 6 **procedures**, to participate in remediation under IC 20-10.1-17, or to be
 7 retained at the same grade level for consecutive school years shall be
 8 made in accordance with the child's individualized education program,
 9 subject to the ISTEP program manual, and federal law.

10 SECTION 4. IC 20-10.1-16-13 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) **Except as**
 12 **provided in subsection (f)**, beginning with the class of students who
 13 expect to graduate during the 1999-2000 school year, each student is
 14 required to meet:

15 (1) the educational proficiency standard tested in the graduation
 16 examination; and

17 (2) any additional requirements established by the governing
 18 body;

19 to be eligible to graduate.

20 (b) A student who does not meet the educational proficiency
 21 standard tested in the graduation examination shall be given the
 22 opportunity to be tested during each semester of each grade following
 23 the grade in which the student is initially tested until the student
 24 achieves a passing score.

25 (c) The board shall develop and adopt a procedure to enable
 26 students who:

27 (1) undergo the graduation examination; and

28 (2) do not receive a passing score on the graduation examination;
 29 to appeal their particular results. The rules adopted by the board must
 30 provide for the specific eligible bases for which an appeal may be made
 31 and must include as one (1) basis for which an appeal may be made the
 32 submission by the appellant student of written evidence indicating that
 33 the student's teacher in areas tested by the graduation examination and
 34 principal, in their professional judgment, believe that the student's
 35 graduation examination results do not accurately reflect the student's
 36 attainment of the educational proficiency standard.

37 (d) A student who does not meet the educational proficiency
 38 standard tested in the graduation examination may:

39 (1) have the educational proficiency standard requirement
 40 waived; and

41 (2) be eligible to graduate;

42 if the principal of the school the student attends certifies that the



1 student will within one (1) month of the student's scheduled graduation
2 date successfully complete all components of the Core 40 curriculum
3 as established by the board under IC 20-10.1-5.7-1.

4 (e) The state board of education shall determine the appropriate
5 grade during which a student may initially undergo the graduation
6 examination. The grade established under this subsection must be
7 higher than grade 9.

8 **(f) Notwithstanding subsection (a), a student for whom the**
9 **student's school corporation is entitled to receive a special**
10 **education grant under IC 21-3-10 is not required to meet the**
11 **educational proficiency standard tested in the graduation**
12 **examination to be eligible to graduate.**

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